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JAMES BONINI
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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

2008 APR -8 PM 4:15

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
WESTERN DIV. DAYTON

UNITED STATES OF AMERICA,	:	No.
	:	
Plaintiff,	:	<u>INDICTMENT</u>
	:	
vs.	:	21 U.S.C. §§ 841(a)(1) and (b)(1)(D)
	:	21 U.S.C. §§ 841(a)(1) and (b)(1)(C)
COLBURN L. KINZER a/k/a "BUTCH",	:	21 U.S.C. §§ 841(a)(1) and (b)(2)
	:	18 U.S.C. §§ 922(g)(1) and 924(a)(2)
Defendant.	:	
	:	

3 : 08 cr 052

The Grand Jury charges:

WALTER HERBERT RICE

COUNT ONE

"DISTRIBUTION OF DIHYDROCODEINONE"

[21 U.S.C. §§841(a)(1) and (b)(1)(D)]

On or about August 16, 2007, in the Southern District of Ohio, the defendant **COLBURN L. KINZER a/k/a "BUTCH KINZER"** knowingly and intentionally distributed Dihydrocodeinone, in the mixture form "Vicodin," a Schedule III controlled substance.

In violation of 21 U.S.C. §§841(a)(1) and (b)(1)(D).

COUNT TWO

"DISTRIBUTION OF DIHYDROCODEINONE"

[21 U.S.C. §§841(a)(1) and (b)(1)(D)]

On or about August 30, 2007, in the Southern District of Ohio, the defendant **KINZER**

knowingly and intentionally distributed Dihydrocodeinone, in the mixture form "Vicodin," a Schedule III controlled substance.

In violation of 21 U.S.C. §§841(a)(1) and (b)(1)(D).

COUNT THREE

"DISTRIBUTION OF OXYCODONE"

[21 U.S.C. §§ 841(a)(1) and (b)(1)(C)]

On or about August 30, 2007, in the Southern District of Ohio, the defendant **KINZER** knowingly and intentionally distributed Oxycodone, a Schedule II controlled substance.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

COUNT FOUR

"DISTRIBUTION OF OXYCODONE"

[21 U.S.C. §§ 841(a)(1) and (b)(1)(C)]

On or about September 7, 2007, in the Southern District of Ohio, the defendant **KINZER** knowingly and intentionally distributed Oxycodone, a Schedule II controlled substance.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

COUNT FIVE

"DISTRIBUTION OF OXYCODONE"

[21 U.S.C. §§ 841(a)(1) and (b)(1)(C)]

On or about September 26, 2007, in the Southern District of Ohio, the defendant

KINZER knowingly and intentionally distributed Oxycodone, a Schedule II controlled substance.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

COUNT SIX

“DISTRIBUTION OF DIHYDROCODEINONE”

[21 U.S.C. §§841(a)(1) and (b)(1)(D)]

On or about September 26, 2007, in the Southern District of Ohio, the defendant **KINZER** knowingly and intentionally distributed Dihydrocodeinone, in the mixture form “Vicodin,” a Schedule III controlled substance.

In violation of 21 U.S.C. §§841(a)(1) and (b)(1)(D).

COUNT SEVEN

“DISTRIBUTION OF OXYCODONE”

[21 U.S.C. §§ 841(a)(1) and (b)(1)(C)]

On or about October 5, 2007, in the Southern District of Ohio, the defendant **KINZER** knowingly and intentionally distributed Oxycodone, a Schedule II controlled substance.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

COUNT EIGHT

“DISTRIBUTION OF OXYCODONE NEAR A SCHOOL”

[21 U.S.C. §§841(a)(1) and (b)(1)(C) and 860]

On or about October 5, 2007, in the Southern District of Ohio, the defendant **KINZER** knowingly and intentionally distributed Oxycodone, a Schedule II controlled substance, in violation of 21 U.S.C. §841(a)(1), within 1000 feet of the real property comprising Franklin Junior High School, a public secondary school.

In violation of 21 U.S.C. §§841(a)(1) and (b)(1)(C) and 860.

COUNT NINE

“DISTRIBUTION OF OXYCODONE”

[21 U.S.C. §§ 841(a)(1) and (b)(1)(C)]

On or about October 26, 2007, in the Southern District of Ohio, the defendant **KINZER** knowingly and intentionally distributed Oxycodone, a Schedule II controlled substance.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

COUNT TEN

“POSSESSION WITH INTENT TO DISTRIBUTE METHADONE”

[21 U.S.C. §§ 841(a)(1) and (b)(1)(C)]

On or about December 7, 2007, in the Southern District of Ohio, the defendant **KINZER** knowingly and intentionally possessed with intent to distribute Methadone, a Schedule II controlled substance.

In violation of 21 U.S.C. §§841(a)(1) and (b)(1)(C).

COUNT ELEVEN

“POSSESSION WITH INTENT TO DISTRIBUTE DIHYDROCODEINONE”

[21 U.S.C. §§ 841(a)(1) and (b)(1)(D)]

On or about December 7, 2007, in the Southern District of Ohio, the defendant **KINZER** knowingly and intentionally possessed with intent to distribute Dihydrocodeinone, in the mixture form “Vicodin,” a Schedule III controlled substance.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(D).

COUNT TWELVE

“POSSESSION WITH INTENT TO DISTRIBUTE ALPRAZOLAM”

[21 U.S.C. §§ 841(a)(1) and (b)(2)]

On or about December 7, 2007, in the Southern District of Ohio, the defendant **KINZER** knowingly and intentionally possessed with intent to distribute Alprazolam, a Schedule IV controlled substance.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(2).

COUNT THIRTEEN

“POSSESSION WITH INTENT TO DISTRIBUTE OXYCODONE”

[21 U.S.C. §§ 841(a)(1) and (b)(1)(C)]

On or about December 7, 2007, in the Southern District of Ohio, the defendant **KINZER** knowingly and intentionally possessed with intent to distribute Oxycodone, a Schedule II controlled substance.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

COUNT FOURTEEN

“POSSESSION WITH INTENT TO DISTRIBUTE CLONAZEPAM”

[21 U.S.C. §§ 841(a)(1) and (b)(2)]

On or about December 7, 2007, in the Southern District of Ohio, the defendant **KINZER** knowingly and intentionally possessed with intent to distribute Clonazepam, a Schedule IV controlled substance.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(2).

COUNT FIFTEEN

“POSSESSION WITH INTENT TO DISTRIBUTE DIAZEPAM”

[21 U.S.C. §§ 841(a)(1) and (b)(2)]

On or about December 7, 2007, in the Southern District of Ohio, the defendant **KINZER** knowingly and intentionally possessed with intent to distribute Diazepam, a Schedule IV controlled substance.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(2).

COUNT SIXTEEN

“POSSESSION OF A FIREARM BY CONVICTED FELON”

[18 U.S.C. §§ 922(g)(1) and 924(a)(2)]

On or about December 7, 2007, in the Southern District of Ohio, the defendant **KINZER**,

having been convicted of a crime punishable by imprisonment for a term exceeding one (1) year, specifically, on or about October 11, 1999, the defendant was convicted in the Court of Common Pleas of Warren County, Ohio, in Case Number 99CR18255, of Burglary in violation of Ohio Revised Code Section 2911.12(A)(4), knowingly possessed in and affecting commerce, at least one or more firearms.

In violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

FORFEITURE COUNT

Upon conviction of one or more of the controlled substance offenses alleged in Counts One through Fifteen of this Indictment, defendant **KINZER**, shall forfeit to the United States pursuant to 21 U.S.C. § 853(a)(1) and (2), any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the said violation[s] and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the said violation[s], including but not limited to the following:

- (1) the residence and parcel of land located at 1216 Kehm Street, Miamisburg, Ohio, which has the legal description of being situated in the City of Miamisburg, County of Montgomery, State of Ohio, being lot numbered Four Thousand One Hundred Sixty Nine (4169) of the consecutive lot numbers of the City of Miamisburg, Ohio.

If any of the above-described forfeitable property, as a result of any act or omission of the defendant(s):

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant(s) up to the value of the forfeitable property described above.

A TRUE BILL



FOREPERSON

GREGORY G. LOCKHART
United States Attorney



VIPAL J. PATEL
Deputy Criminal Chief